



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-31**

September 30, 2003

Ken & Kathleen Edwards
PO Box 765
Center Harbor, NH 03226

RE: DES Wetlands File #2000-01137, 193 Stanyan Road, Moultonborough

Dear Mr. and Ms. Edwards:

During the summer of 2003, DES personnel conducted follow-up inspections of lakefront properties previously identified as noncompliant with RSA 482-A, Wetlands Law, RSA 483-B, the Comprehensive Shoreland Protection Act, and/or NH Code of Admin. Rules Wt 100-700. On June 16, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property located adjacent to Lake Winnepesaukee in Moultonborough and specifically referenced on Town of Moultonborough Tax Map 31 as Lot 90 (the "Property") as part of these follow-up reviews.

During the inspection DES personnel observed the following:

1. A new 14 ft 10 in by 8 ft 3 in deck was installed along the shore of and partially over Lake Winnepesaukee. The deck was supported by a rock wall which extended 1 foot lakeward of the deck and was connected to the seasonal pier by two seasonal steps.
2. A 24 ft 7 in by 6 ft a pier was hinged to a concrete pad in Lake Winnepesaukee. A thin-ice sign was observed on the end of the pier indicating that although the pier may be designed to be winched-up it may not be removed for the non-boating season. A set of seasonal stairs 6 ft 2 in long by 3 ft wide was attached to the northerly side of the pier and extended into Lake Winnepesaukee. A subsequent review of DES records indicates that the Department has not issued a permit for this pier or the seasonal stairs.
3. A concrete pad that appeared to be a support structure for the previous docking facility was located within the bank approximately 66 ft south of the new seasonal pier.

In response, you are requested to take the following actions:

Within 60 days of this Letter of Deficiency ("LOD"), submit an after-the-fact standard application (enclosed) to retain the pier as seasonal. If you can provide verification that the deck and rock wall (described in 1. above) replaced an existing structure of the same dimensions, location, and configuration and constructed prior to July 2, 1969, please include dated photographs, the enclosed grandfathered certification form and the date and duration of the most recent repair work in your after-the-fact application. Please also note that seasonal piers must be removed during the non-boating season.

2. If the deck was constructed after July 2, 1969 please remove the deck and all support structures to a location at least 20 feet landward of the normal high water line (elevation 504.32 on Lake Winnepesaukee) or remove the rock wall and reduce the deck to no more than 6 ft by 6ft. Within 30 days of this LOD, submit photos to DES documenting the removal of the wall and the removal or reduction of the deck.
3. Within 60 days of this LOD completely remove the concrete pad for the old docking facility.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters. RSA 483-B regulates the construction of accessory structures including decks within the protected shoreland. Pursuant to Administrative Rules Env-Ws 1405.03, Status, and Env-Ws 1405.04, Setback, accessory structures shall have a footprint no larger than 150 square feet and shall be set back at least 20 feet from the reference line.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the Department.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is

issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Compliance Officer
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please feel free to contact me at (603) 271-2147.

Sincerely,

COPY
Colin G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 5079

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
David Killoy, USACOE
Mary Ann Tilton, DES Wetlands